

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MAY 06 2020

SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Alberto Alvarez

(Name of Plaintiff)

vs.

CIVIL RIGHTS COMPLAINT
BY A PRISONER UNDER 42
U.S.C. § 1983

1:20-CV-3057-SAB

Yakima Police Department, city
of Yakima, Travis shephard YPD,
Claudia Padilla Shephard YPD,
Jeff Schaap W/SBA #41984,

(Names of ALL Defendants)

Paul Webber WSBA #45262,
Yerica Meraz (co-conspirator)

I. Previous Lawsuits

A. Have you brought any other lawsuits in any federal court in the United States while a prisoner? ☒ YES ☐ NO

B. If your answer to A is yes, how many? 1 Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff: Alberto Alvarez

Defendants: Yakima Police Department, Mark Williams
YPD #7479, Ryan Avery YPD #7849, D. Diaz YPD #6719,
WA State DPA Brooke Wright W/SBA #41212, and
Yerica Meraz

2. Court (give name of District): Eastern District
3. Docket Number: 1:19-CV-03272-SAB
4. Name of judge to whom case was assigned: Stanley A. Bastian
5. Disposition (For example: Was the case dismissed as frivolous or for failure to state a claim? Was it appealed? Is it still pending?):
Pending
6. Approximate date of filing lawsuit: Nov. 18, 2019
7. Approximate date of disposition: N/A

II. Place of Present Confinement: YCDOC

- A. Is there a prisoner grievance procedure available at this institution? ☐ YES ☒ NO
- B. Have you filed any grievances concerning the facts relating to this complaint?
☐ YES ☒ NO
- If your answer is NO, explain why not: N/A

- C. Is the grievance process completed? ☐ YES ☒ NO
- D. Have you sought other informal or formal relief from the proper administrative officials regarding the acts alleged in this complaint? ☒ YES ☐ NO

If your answer is NO, explain why not: _____

III. Parties to this Complaint

- A. Name of Plaintiff: Alberto Alvarez Inmate No.: 12887
Address: 111 N. Front St. Yakima WA 98901

(In Item B below, place the full name of the defendant, his/her official position, and his/her place of employment. Use Item C for the names, positions and places of employment of any additional defendants. Attach additional sheets if necessary.)

- B. Defendant: Paul Webber Official Position: City Prosecutor
Place of Employment: Yakima City Municipal Court

C. Additional Defendants (NOTE: These Defendants must be listed in the caption of the Complaint.): Yakima Police Department, city of Yakima,
Travis Shephard YPD, Claudia Padilla Shephard YPD,
Jeff Schaap WSBA 41984, Paul Webber WSBA 45262,
Yerica Meraz (co-conspirator)

IV Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates, places and other persons involved. Do not give any legal arguments or cite any cases or statutes. If you allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.)

The following Claim alleges the following constitution violations against Plaintiff by the Yakima Police Department et al.

1. - Defamation Per Se
2. - Malicious Prosecution
3. - Conspiracy
4. - Harassment
5. 4th Amendment Violation:
 - False Imprisonment
6. 5th Amendment Violation:
 - Double Jeopardy
7. 6th Amendment Violation:
 - Speedy trial violation

On Multiple occasions Defendant Yericca Meraz conspired with government officials (co-defendants) in order to deprive Plaintiff of his civil liberties/constitutional rights.

On August 6th 2019, according to YPD officer Travis Shephard's (Relative/Possible Husband to officer Claudia Padilla Shephard) police report case No. 9Z0676217, Yericca Meraz "came into" the Yakima

Police Department to make a frivolous complaint against Plaintiff for allegedly, "Disclosing Intimate Images," and "Violation of a No Contact Order."

Defendant claims Plaintiff allegedly created a "fake Instagram account" containing a photo of Yericca Meraz's ex-boyfriend "Enoc Martinez," and that Plaintiff allegedly used this account to "send nude pics" of defendant to her brother "Pedro Meraz" as stated in Travis Shephard's police report.

Travis Shephard also writes in his report signed under penalty of perjury that the Plaintiff has already been "convicted" in 2016 for "disclosing intimate images" and that it appears Plaintiff has learned how to "cover his tracks" which is completely false, and defamatory on its face value.

Travis shephard made this statement on his police report knowingly, with malice, and with complete disregard for the truth. Travis's report also states that Plaintiff allegedly used "six different Phone numbers" to contact Yerica Meraz. Yet upon Detective Kevin Lee downloading Yerica's phone data, he came across Plaintiff's contact name and number and concluded that number did not match any of the six phone numbers in Travis Shephard's Police report. All images downloaded from Yerica's phone do not contain a face for identification purposes to even prove its Yerica in the photos. Signed under penalty of perjury on Police report No. 9Z0676217 states there is a Coban recording of the reporting process but the Yakima Police Department has intentionally concealed it from defense attorneys or has destroyed it to hide evidence.

On August 10th 2019, According to YPD Officer Claudia Padilla Shephard's (Relative/Possible Wife of Officer Travis shephard) Police report Case No. 19Y031363, defendant Yerica Meraz calls dispatch and somehow the Yakima

Police Department sends Claudia Padilla Shephard to the residence of Yerica Meraz and begins to record conversation with Yerica Meraz. Defendant Yerica starts claiming new frivolous charges of "Disclosing Intimate Images," and "Violation of a No contact Order." Yerica now claims Plaintiff is "Creating Craigslist ads" with Yerica's "Nude Pics" and is allegedly sending these "Nude pics" to Yerica's co-workers at Legacy Fruit packers of Wapato WA, and that Defendant is now being "Harassed by her co-workers" as a result. None of the "Nude Pics" show the face of defendant to verify if it is even her. Case No. 19Y031363 was dismissed in favor of Plaintiff. A defamation Per Se lawsuit was filed in Yakima County Superior Court regarding this incident against Yerica Meraz Case No. 19-2-04317-39. A cotan video exists for this incident.

Sometime in late 2019, early 2020, after a Federal lawsuit was filed against Yakima Police Department et al, case No. 19-CV-03272-SAB, but before trial occurred for Yakima County Superior Court, Case No. 16-1-02113-39, in a new

report/complaint by Yericia Meraz/Claudia Padilla Shephard. Yericia called Claudia on her personal cell phone to report that Plaintiff allegedly created a "fake" snapchat under the name "Yericia Meraz" and that Plaintiff sent "nude Pics" to her friend "Kevin;" (Possibly to detective Kevin Lee). Claudia forwarded charges of "Cyberstalking, Disclosing Intimate Photos, and witness-Tampering" to Yakima Superior court, but the state declined to file charges.

An assault fourth Degree charge was filed against Plaintiff by Yericia and the city of Yakima in 2015 and dismissed in favor of Plaintiff. Since then, it has been non-stop harassment by the City of Yakima, Yakima Police Department, and Yericia Meraz, along with individual police officers and prosecutors.

In 2020 trial from a case that stems from 2016, two charges were won in Plaintiffs favor, cyberstalking and Distribution of intimate photos.

Several weeks after August 6th, and August 10th incident, the City of Yakima waited until Plaintiff showed up to court in municipal court in a different matter that is still pending Case No. 9Z0493039, to file charges, and arrest Plaintiff during his court appearance, and arrest him on new charges on case No. 9Z0676217, and for case No. 19Y031363. Around December 2019, Honorable Susan Woodard dismissed case no. 19Y031363 in favor of Plaintiff. City Prosecutor Jeff Schaap and City Prosecutor Paul Webber moved to amend and back date dismissed case complaint, into case No. 9Z0676217. Jeff Schaap later dropped out of the case, and Paul Webber stepped in.

On multiple occasions, Yericia Meraz had non-recorded interviews with Jeff Schaap, and Paul Webber to conspire together to deprive Plaintiff of his civil liberties. The City of Yakima and city Prosecutors are pursuing charges against Plaintiff, that the state of Washington failed to prove. Prosecutor Jeff Schaap and Prosecutor Paul Webber intend to use manufactured evidence, and the use of tainted perjured testimony to obtain a wrongful conviction.

The City of Yakima, and the Yakima Police Department has made it their non-stop mission, to conspire with Yeric Meraz to deprive Plaintiff of his constitution rights, and his civil liberties. The City has failed to properly train its employees, and as a result, improper investigations have occurred prior to filing charges. The City has committed defamation of character, malicious prosecution, double Jeopardy, unlawful imprisonment, Speedy trial violation, cruel and unusual punishment/ Excessive bail and fines, Due Process violation/ Equal protection violation, and as a result, Plaintiff's life has been irrepublicly ruined. Plaintiff's reputation is tarnished, his family life is destroyed, and his career/education options are irrepublicly ruined by this great injustice done to Plaintiff by the defendants.

Excessive Bail and Fines Occurred as to
Date as of 4-22-2020:

<u>Amount:</u>	<u>Case No.</u>	<u>Status:</u>
\$10,000. ⁰⁰	Yakima City 9Z0676217	Posted/forfeited
\$10,000. ⁰⁰	Yakima City 19Y031363	Posted/Exhonorated/Dismissed

Other Bail amounts involving same defendant
Yerica Meraz

<u>Amount:</u>	<u>case No.</u>	<u>Status:</u>
\$4,000. ⁰⁰ (Posted twice)	Yakima City 9Z0493039	Posted/forfeited
\$25,000. ⁰⁰	Yakima Superior 16-1-02113-39	Posted/Exhonorated
\$35,000. ⁰⁰	16-1-02113-39	Quashed/Exhonorated
\$500,000. ⁰⁰	Court of Appeals Bond 16-1-02113-39	Pending

All of which are non-violent accusations

8. 8th Amendment Violation:
 - Cruel and unusual Punishment
9. -Excessive Bail and Fines
10. 14th Amendment Violation:
 - Due Process Violation
11. -Equal protection Violation

Please see attached complaint:
-7 pages attached

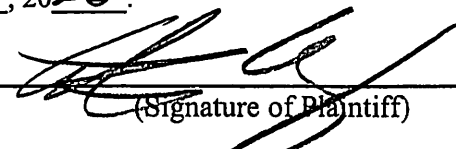
V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

Enjoin Defendants from repetitive conduct, Injunctive relief. Exhonorate, expunge, seal criminal complaints made about Plaintiff. Actual, Punitive, and compensatory damages caused to Plaintiff and his past, present, and future earnings as well as damaged reputation in the amount of \$15,000,000+
\$500,000 Punitive

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 24th day of April, 2020.


(Signature of Plaintiff)